

**IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION**

SANDRA DRAKE and RANDY SMITH, )  
on behalf of themselves and others )  
similarly situated, )  
Plaintiffs, )  
vs. ) Case no.: 4:14-cv-1535  
STEAK N SHAKE OPERATIONS, INC. )  
(an Indiana Corporation) )  
Defendant. )

**CONSENT MOTION TO DISMISS CERTAIN  
OPT-IN PLAINTIFFS WITHOUT PREJUDICE**

COME NOW the Plaintiffs, by and through their counsel of record, and hereby move this Court for an order to dismiss the following nine opt-ins from this matter without prejudice. From the pay data produced by the Defendant in this matter, these following persons were not employed in the "Manager" position at issue in this case within three years of the filing of their consent to join forms, and therefore, under the FSLA fall outside the statute of limitations.

Last Name                    First Name

Bray	Drew
Candies	LaKisha
Douglas	James Lee
Ginn	Derrick
Hogan	Marie
Nance	Bradley
Throgmorton	Dustin
Vincent	Anmad
West, Jr.	Roy Lee

On December 7, 2016, counsel for Plaintiffs sent each of these persons a letter informing them of this fact, the dates involved, and invited them to challenge the information if they believed it was incorrect. None of these persons responded. Defendant is not opposed to the request made hereing.

WHEREFORE, the Plaintiffs respectfully request that these nine persons be dismissed from this matter without prejudice.

Respectfully submitted,



/s/ Brendan J. Donelon

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ATTORNEYS FOR PLAINTIFFS

**Certificate of Service**

Plaintiffs hereby certify that a true and correct copy of the foregoing was sent on January 10, 2017 to the following Defense counsel of record email addresses per the requirements of this Courts CM/ECF practices and procedures.

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